

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 920

Short Title: Charter School Omnibus. (Public)

Sponsors: Representatives von Haefen, Ball, Fisher, and Gill (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Rules, Calendar, and Operations of the House

May 11, 2021

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS REGARDING CHARTER  
3 SCHOOLS.

4 The General Assembly of North Carolina enacts:

5  
6 **PART I. REQUIRE CHARTER SCHOOLS TO PROVIDE TRANSPORTATION TO**  
7 **STUDENTS AND MEET APPLICABLE SAFETY REQUIREMENTS**

8 **SECTION 1.(a)** G.S. 115C-218.1(b) reads as rewritten:

9 "(b) The application shall contain at least the following information:

10 ...

11 (16) The school's plans for providing transportation. The school shall develop a  
12 plan for transportation for any student enrolled in the charter school who  
13 resides in the local school administrative unit in which the school will be  
14 located."

15 **SECTION 1.(b)** G.S. 115C-218.40 reads as rewritten:

16 **"§ 115C-218.40. Charter school transportation.**

17 The charter school may provide transportation for students enrolled at the school. The charter  
18 school shall ~~develop a transportation plan so that transportation is not a barrier to provide~~  
19 transportation for any student enrolled in the charter school who resides in the local school  
20 administrative unit in which the school is located. The charter school is not required to provide  
21 transportation to any student who lives within one and one-half miles of the school. located.  
22 Transportation provided by the charter school shall comply with policies adopted by the State  
23 Board of Education and applicable transportation safety provisions from Article 17 of this  
24 Chapter, including at least G.S. 115C-240(c), 115C-248, 115C-249.1, and 115C-251. At the  
25 request of the charter school and if the local board of the local school administrative unit in which  
26 the charter school is located operates a school bus system, then that local board may contract  
27 with the charter school to provide transportation in accordance with the charter school's  
28 transportation plan to students who reside in the local school administrative unit and who reside  
29 at least one and one-half miles of the charter school. A local board may charge the charter school  
30 a reasonable charge that is sufficient to cover the cost of providing this transportation.  
31 Furthermore, a local board may refuse to provide transportation under this section if it  
32 demonstrates there is no available space on buses it intends to operate during the term of the  
33 contract or it would not be practically feasible to provide this transportation."

34 **SECTION 1.(c)** G.S. 115C-12(17) reads as rewritten:



1           "(17) Power to Provide for School Transportation Programs. – The State Board of  
2           Education is authorized and empowered to promulgate such policies, rules,  
3           and regulations as it may deem necessary and desirable for the operation of a  
4           public school transportation system by each local administrative unit and  
5           charter school in the State. Such policies, rules, and regulations shall include,  
6           but are not limited to, fund allocations and fiscal support to assure the effective  
7           and efficient use of funds appropriated by the General Assembly in support of  
8           the school transportation system. Nothing herein shall be construed to affect  
9           in any way or to lessen in any way the full and complete authority of local  
10          boards of education to assign pupils to schools in accordance with  
11          G.S. 115C-366."

12           **SECTION 1.(d)** Subsection (a) of this section applies to applications for a new or  
13          renewed charter submitted on or after July 1, 2021. Subsection (b) of this section applies  
14          beginning with the 2022-2023 school year. The State Board of Education shall adopt  
15          transportation safety requirements for charter schools in accordance with this section no later  
16          than December 31, 2021.

## 17 18 **PART II. REQUIRE CHARTER SCHOOL TO PROVIDE FOOD SERVICES TO** 19 **STUDENTS**

20           **SECTION 2.(a)** G.S. 115C-218.1(b), as amended by Section 1(a) of this act, reads  
21          as rewritten:

22           "(b) The application shall contain at least the following information:

23           ...

24           (17) The school's plans for providing food services. The school shall develop a plan  
25           to provide food services for any student enrolled in the charter school."

26           **SECTION 2.(b)** Article 14A of Chapter 115C of the General Statutes is amended by  
27          adding a new section to read:

### 28 **"§ 115C-218.42. Food services.**

29           The charter school shall provide food services for any student enrolled in the charter school.  
30           In the operation of their food service programs, charter schools shall participate in the National  
31           School Lunch Program as provided in G.S. 115C-264."

32           **SECTION 2.(c)** Subsection (a) of this section applies to applications for a new or  
33          renewed charter submitted on or after July 1, 2021. Subsection (b) of this section applies  
34          beginning with the 2022-2023 school year.

## 35 36 **PART III. REQUIRE CHARTER SCHOOLS TO PARTICIPATE IN SCHOOL** 37 **EXTENSION LEARNING RECOVERY AND ENRICHMENT PROGRAMS**

38           **SECTION 3.(a)** Part I of S.L. 2021-7 reads as rewritten:

39           "**SECTION 1.1.** Program Established; Purpose. – Notwithstanding Part 3 of Article 16 of  
40          Chapter 115C of the General Statutes or any other provision of law, following the end of the  
41          2020-2021 school year, within funds available, including federal funds received by a local school  
42          administrative unit or a charter school for the purpose of responding to the impacts of the  
43          coronavirus disease 2019 (COVID-19), each local school administrative unit and charter school  
44          shall offer a school extension learning recovery and enrichment program (program) outside of  
45          the instructional school calendar. The purpose of the program shall be to provide in-person  
46          instruction on specific subjects, as well as offer additional enrichment activities, to the following  
47          students ~~in kindergarten through grade 12~~ to address learning losses and negative impacts  
48          students have experienced due to COVID-19 during the 2020-2021 school ~~year-year~~:

49           (1) For local school administrative units, students in kindergarten through grade  
50           12.

- 1           (2)    For charter schools, students in all grades between kindergarten and grade 12  
2           that are offered by the charter school.

3           Each local school administrative unit and charter school shall identify and prioritize at-risk  
4 students, consistent with ~~G.S. 115C-105.41(a)~~, G.S. 115C-105.41(a) and G.S. 115C-218.87, for  
5 participation in the program. Students who are not identified as at-risk under  
6 G.S. 115C-105.41(a) and G.S. 115C-218.87 may also participate in a program within space  
7 available. A year-round school, as defined in G.S. 115C-84.2(f)(5), may offer the program during  
8 vacation periods in the instructional calendar through October 1, 2021.

9           "**SECTION 1.2.** Program Plan; Requirements. – Each local school administrative unit and  
10 charter school shall develop and submit a plan for its program that meets the requirements of this  
11 act to the Department of Public Instruction no later than 30 days prior to the final instructional  
12 day of the 2020-2021 school year. The Department shall notify the local school administrative  
13 unit or charter school of any necessary changes and approve the program plan with those changes  
14 within 21 days of receiving the ~~plan from a local school administrative unit. A charter school is~~  
15 ~~also encouraged to submit a plan that meets the requirements of this section depending on the~~  
16 ~~grade levels served by the school to offer a program consistent with this act.~~ plan. The program  
17 shall be separate and apart from the 2020-2021 school year and shall not be an extension of the  
18 2020-2021 school year. The plan shall include at least the following as components of the  
19 program:

- 20           (1)    Instruction shall be delivered for at least 150 hours or 30 days over the course  
21 of the program as follows:  
22           a.    The instructional time shall not include the time for lunch service,  
23           transition periods, and the physical activity period as required by this  
24           section.  
25           b.    Instruction shall not be delivered on Saturdays.  
26           (2)    Meal service for each instructional day.  
27           (3)    A period of physical activity during the instructional day.  
28           (4)    Grade level course offerings and activities in the following:  
29           a.    For students in kindergarten through third grade, in-person instruction  
30           in the following:  
31                1.    Reading and math, in addition to science instruction for third  
32                grade students.  
33                2.    Integration of the local school administrative unit's and any  
34                charter school's reading camp, as defined in  
35                G.S. 115C-83.3(4a), into the program.  
36                3.    At least one enrichment activity. The local school  
37                administrative unit or the charter school shall have discretion  
38                in the type of enrichment activity offered, such as a sports,  
39                music, or arts program.  
40           b.    For students in fourth through eighth grade, in-person instruction in  
41           the following:  
42                1.    Reading, math, and science.  
43                2.    At least one enrichment activity. The local school  
44                administrative unit or the charter school shall have discretion  
45                in the type of enrichment activity offered, such as a sports,  
46                music, or arts program.  
47           c.    For high school students:  
48                1.    In-person instruction in end-of-course subjects.  
49                2.    Access to modules and teacher support for credit recovery  
50                courses necessary to meet graduation requirements, including

- 1 courses offered through the North Carolina Virtual Public  
2 School (NCVPS).
- 3 3. In-person instruction for an elective course.
- 4 (5) Transportation services to the school facility housing the program, provided  
5 in accordance with the Plan A requirements for transportation established in  
6 the StrongSchoolsNC Public Health Toolkit (K-12) issued on March 24, 2021.
- 7 (5a) Time built into the instructional day for teachers to provide individual or small  
8 group instruction to at-risk students.
- 9 (5b) In-person social-emotional learning supports for all students in the program.
- 10 (6) Voluntary participation by at-risk students in the program. Each local school  
11 administrative unit and charter school shall notify parents of students  
12 identified as at-risk, pursuant to ~~G.S. 115C-105.41(a)~~, G.S. 115C-105.41(a)  
13 and G.S. 115C-218.87, and the student's eligibility for participation in the  
14 program. Parents of students who qualify for the program shall make the final  
15 decision regarding student attendance at the program. However, for students  
16 who do attend the program, the following shall apply:
- 17 a. Kindergarten students who participate in the program shall be exempt  
18 from retention for the 2021-2022 school year. At the end of the  
19 program, if necessary, a supplemental support plan shall be developed  
20 for the student's first grade year.
- 21 b. For all other students who were retained for the 2021-2022 school  
22 year, the student's principal shall reassess the student's promotion  
23 eligibility upon completion of the program.
- 24 (7) Opportunity for additional students to participate, within the space available,  
25 after students are prioritized for attendance in the program under subdivision  
26 (6) of this section. The local school administrative unit or charter school shall  
27 establish any criteria for prioritizing additional students participating in the  
28 program.
- 29 (8) Outreach to families and students to increase participation in the program by  
30 not only addressing learning losses, but by offering a fun, positive  
31 environment with enrichment activities to counteract the negative impacts  
32 from COVID-19 on student social interactions and development.
- 33 **"SECTION 1.3.(a)** Employment of School Personnel. – For each local school administrative  
34 unit and charter school operating the program, the following shall apply:
- 35 (1) Notwithstanding Articles 19, 20, 21, and Part 3 of Article 22 of Chapter 115C  
36 of the General Statutes, a local board of education or charter school shall  
37 employ teachers and other school personnel as temporary employees on a  
38 contract basis for the period of the program. School personnel employed as  
39 temporary employees by a local board of education or charter school pursuant  
40 to this act shall not be considered an "employee" as defined in G.S. 135-1(10)  
41 or a "teacher" as defined in G.S. 135-1(25), nor shall it cause school personnel  
42 to be considered an "employee or State employee" under G.S. 135-48.1(10).  
43 In addition, school personnel shall not be deemed as earning "compensation"  
44 as defined in G.S. 135-1(7a) and shall not be eligible to accrue paid leave  
45 during their temporary employment.
- 46 (2) For individuals who retired under the Teachers' and State Employees'  
47 Retirement System (TSERS) on or after December 1, 2020, but on or before  
48 March 1, 2021, the six-month separation from service from an employer that  
49 is required under G.S. 135-1(20) in order for a retirement to become effective  
50 shall not apply and instead a one-month separation shall be required, provided  
51 that the position to which the individual returns is as a teacher or other school

1 personnel employed as a temporary employee on a contract basis for the  
2 program as required in subdivision (1) of this section. Upon the expiration of  
3 this section, all of the following shall apply:

4 a. The six-month separation from an employer required under  
5 G.S. 135-1(20) shall again be applicable to individuals who retired  
6 under TSERS on or after December 1, 2020, but on or before March  
7 1, 2021.

8 b. In order for a member's retirement under TSERS on or after December  
9 1, 2020, but on or before March 1, 2021, to become effective in any  
10 month, the member must perform no work for an employer, including  
11 part-time, temporary, substitute, or contractor work, at any time  
12 between the expiration of this section and the end of the six months  
13 immediately following the effective date of retirement, provided the  
14 expiration of the six-month period of separation did not occur while  
15 this section was in effect.

16 c. For individuals who retired under TSERS on or after December 1,  
17 2020, but before March 1, 2021, any time worked in the program and  
18 the time this section expires shall not be considered work for the  
19 purposes of the six-month separation required under G.S. 135-1(20).

20 d. For purposes of this subdivision, local school administrative units and  
21 charter schools shall certify to the Retirement System that a retirement  
22 system beneficiary is employed by the local board of  
23 ~~education~~ education or charter school.

24 (3) From funds available, local boards and charter schools shall offer a signing  
25 bonus of at least one thousand two hundred dollars (\$1,200) to any teacher  
26 who (i) had received a past teaching bonus for reading in grades three, four,  
27 and five or mathematics in grades four, five, six, seven, or eight or (ii) has  
28 received National Board for Professional Teaching Standards Certification.  
29 Local boards of education and charter schools are encouraged to find ways to  
30 incentivize highly effective teachers to participate in the program, such as  
31 increased compensation and varied contract durations.

32 (4) Local boards of education and charter schools shall provide a performance  
33 bonus to a teacher who provided instruction during the program, in a per  
34 student amount of at least one hundred fifty dollars (\$150.00), for each student  
35 not demonstrating reading proficiency on the third-grade end-of-grade reading  
36 assessment assigned to that teacher who became proficient in reading after  
37 completing the program, as demonstrated by an alternate assessment.

38 **"SECTION 1.3.(b)** This section is effective when it becomes law and expires October 1,  
39 2021.

40 **"SECTION 1.4.** Use of Reading Camp Funds. – Notwithstanding G.S. 115C-105.25(b)(10)  
41 and any other provision of law, local school administrative units and charter schools may use  
42 funds allocated to the units for reading camps for the 2020-2021 fiscal year to also support the  
43 operation of reading instruction for first, second, and third grade students in the school extension  
44 learning recovery and enrichment program pursuant to this act. These funds shall not be used for  
45 enrichment activities.

46 ...

47 **"SECTION 1.7.** Program Assessments. – The State Board of Education, within funds  
48 available, shall make available to local school administrative units and charter schools that offer  
49 all or part of grades kindergarten through eight a single competency-based assessment per grade  
50 and subject for students in grades kindergarten through eight that may be taken at the beginning  
51 of the program and at the conclusion of the program. Each local board of education and charter

1 school that offers all or part of grades kindergarten through eight shall ensure that the results of  
2 all competency-based assessments administered to a student shall be provided to all teachers of  
3 record for that student for the 2021-2022 school year.

4 **"SECTION 1.8.** Reporting Requirements. – By October 15, 2021, local school  
5 administrative units and charter schools shall report all of the following to the Department of  
6 Public Instruction:

- 7 (1) Results of competency-based assessment given to any students in grades K-8  
8 at the beginning of the program.
- 9 (2) Results of competency-based assessment given to any students in grades K-8  
10 at the conclusion of the program.
- 11 (3) The number of students who progressed to the next grade level after  
12 participating in the program.
- 13 (4) The number of students who were retained in the same grade level after  
14 participating in the program.
- 15 (5) The number of students who received credit recovery in high school.

16 By January 15, 2022, the Department of Public Instruction shall report to the Joint Legislative  
17 Education Oversight Committee on the implementation of this act and all of the information  
18 required in this section. The Department shall submit with its report a copy of each program plan  
19 submitted to the Department, an explanation of the program outcomes completed by the  
20 Department, and any other data deemed by the Department to be useful to the Joint Legislative  
21 Education Oversight Committee in evaluating the delivery of programs."

22 **SECTION 3.(b)** Article 14A of Chapter 115C of the General Statutes is amended by  
23 adding a new section to read:

24 **"§ 115C-218.87. Students who have been placed at risk of academic failure.**

25 In accordance with G.S. 115C-105.41(a), a charter school shall identify students enrolled in  
26 the charter school who are at risk for academic failure and who are not successfully progressing  
27 toward grade promotion and graduation."

28  
29 **PART IV. CONDITIONAL CHARTER SCHOOL ENROLLMENT PRIORITY FOR**  
30 **QUALIFYING STUDENTS**

31 **SECTION 4.(a)** G.S. 115C-218.45 is amended by adding a new subsection to read:

32 "(f1) If the charter school enrolls a smaller percentage of qualifying students than the local  
33 school administrative unit in which the charter school is located, the charter school shall give  
34 enrollment priority to qualifying students until the enrollment percentage of qualifying students  
35 in the charter school is equal to or greater than the enrollment percentage of qualifying students  
36 in the local school administrative unit in which the charter school is located. For purposes of this  
37 subsection, the term "qualifying student" refers to a student who either (i) resides in a household  
38 with an income level not in excess of the amount required for the student to qualify for the federal  
39 free or reduced-price lunch program or (ii) qualifies as an "identified student" under the  
40 Community Eligibility Provision of the Healthy, Hunger-Free Kids Act of 2010."

41 **SECTION 4.(b)** This section applies to applications for enrollment submitted on or  
42 after the effective date of this act.

43  
44 **PART V. CHARTER MANAGEMENT ORGANIZATIONS**

45 **SECTION 5.(a)** Article 14A of Chapter 115C of the General Statutes is amended by  
46 adding a new section to read:

47 **"§ 115C-218.77. Charter management organizations.**

48 (a) For purposes of this Article, a "charter management organization" is a for-profit entity  
49 that contracts with the board of directors of a charter school to manage all or part of the operations  
50 of the charter school, including any of the following:

- 51 (1) Nomination, appointment, or removal of officers of the charter school.

- 1           (2)    Employment, supervision, or dismissal of employees of the charter school.  
2           (3)    Management of the charter school's day-to-day operations.  
3           (4)    Approval, denial, or management of the budget or any expenditures of the  
4                charter school that are not authorized by the board of directors for the charter  
5                school.  
6           (5)    Provision of services to a charter school before the governing body of the  
7                charter school has approved the contract for those services.

8           (b)    No later than September 1 of each year, every charter school that contracts with a  
9           charter management organization shall report the name of the charter management organization  
10           to the State Board of Education. A charter school shall not enter into a subcontract to avoid the  
11           requirements of this subsection.

12           (c)    The State Board of Education shall maintain a list of all charter management  
13           organizations in operation in the State and their affiliated charter school or schools. The State  
14           Board shall publish that list on its website no later than October 1 of each year."

15           **SECTION 5.(b)** G.S. 115C-218.25 reads as rewritten:

16           "**§ 115C-218.25. Open meetings and public records.**

17           (a)    ~~The charter school and board of directors of the private nonprofit corporation that~~  
18           ~~operates the charter school~~ following are subject to the Public Records Act, Chapter 132 of the  
19           General Statutes, and the Open Meetings Law, Article 33C of Chapter 143 of the General  
20           Statutes. Statutes:

- 21           (1)    The charter school.  
22           (2)    The board of directors of the private nonprofit corporation that operates the  
23                charter school.  
24           (3)    For any records and meetings related to the operation of the charter school,  
25                any charter management organization that contracts with the charter school.

26           (b)    Notwithstanding the requirements of Chapter 132 of the General Statutes, inspection  
27           of charter school personnel records ~~for those employees directly employed by the board of~~  
28           ~~directors of the charter school~~ for the following persons shall be subject to the requirements of  
29           Article 21A of this Chapter. Chapter:

- 30           (1)    Employees of the charter school.  
31           (2)    Employees of the board of directors of the charter school.  
32           (3)    Employees who work at the charter school and are employed by any charter  
33                management organization that contracts with the charter school.

34           (c)    ~~The charter school and school,~~ the board of directors of the private nonprofit  
35           corporation that operates the charter ~~school~~ school, and any charter management organization  
36           that contracts with the charter school shall use the same schedule established by the Department  
37           of Natural and Cultural Resources for retention and disposition of records of local school  
38           administrative units."

39           **SECTION 5.(c)** G.S. 115C-218.45(f)(3) reads rewritten:

- 40           "(3)    Limited to no more than fifteen percent (15%) of the school's total enrollment,  
41                unless granted a waiver by the State Board of Education, the following:  
42                a.    Children of persons (i) employed full time by the charter school or (ii)  
43                    working full time in the daily operation of the charter school, including  
44                    children of persons employed by ~~an education management~~  
45                    ~~organization or a~~ charter management organization for the charter  
46                    school.  
47                b.    Children of the charter school's board of directors."

48           **SECTION 5.(d)** G.S. 115C-218.90(a)(1) reads as rewritten:

- 49           "(1)    An employee of a charter school is not an employee of the local school  
50                administrative unit in which the charter school is located. The charter school's  
51                board of directors shall employ and contract with necessary teachers or

1 contract with ~~an education management organization or a~~ charter management  
2 organization to employ and provide teachers to perform the particular service  
3 for which they are employed in the school; at least fifty percent (50%) of these  
4 teachers shall hold teacher licenses. All teachers who are teaching in the core  
5 subject areas of mathematics, science, social studies, and language arts shall  
6 be college graduates.

7 The board also may employ necessary employees who are not required to  
8 hold teacher licenses to perform duties other than teaching and may contract  
9 for other services. The board may discharge teachers and nonlicensed  
10 employees."

## 11 **PART VI. CHARTER SCHOOL TRANSPORTATION GRANT PILOT PROGRAM**

12 **SECTION 6.(a)** Purpose; Definition. – The Department of Public Instruction  
13 (Department) shall establish the Charter School Transportation Grant Pilot Program (Program).  
14 The purpose of the Program shall be to award grant funds to a charter school meeting the  
15 requirements of subsection (b) of this section for the reimbursement of up to sixty-five percent  
16 (65%) of the eligible student transportation costs incurred by the school in accordance with the  
17 provisions of this section. For purposes of this section, the term "eligible student transportation  
18 costs" means costs incurred by the charter school for (i) transportation fuel, (ii) vehicle  
19 maintenance, (iii) contracted transportation services, and (iv) transportation personnel salaries.

20 **SECTION 6.(b)** Program Eligibility. – If a charter school has a student enrollment  
21 in a semester of the school year of at least fifty percent (50%) of its students either (i) residing in  
22 households with an income level not in excess of the amount required for a student to qualify for  
23 the federal free or reduced-price lunch program or (ii) qualifying as "identified students" under  
24 the Community Eligibility Provision of the Healthy, Hunger-Free Kids Act of 2010, the charter  
25 school may apply to the Department for grant funds under the Program for reimbursement of up  
26 to sixty-five percent (65%) of the eligible student transportation costs incurred by the school for  
27 that semester.

28 **SECTION 6.(c)** Applications. – By August 1, 2021, the Department shall establish  
29 the criteria and guidelines for the grant application process for the upcoming school year,  
30 including any documentation required to be submitted with the application. The Department shall  
31 accept applications until December 31, 2021, for eligible student transportation costs incurred  
32 during the fall semester of the school year and until May 30, 2022, for eligible student  
33 transportation costs incurred during the spring semester of the school year.

34 **SECTION 6.(d)** Award of Funds. – From funds made available for the Program, the  
35 Department shall award grant funds under the Program to the selected charter schools by January  
36 15, 2022, for eligible student transportation costs incurred during the fall semester of the school  
37 year and by June 15, 2022, for eligible student transportation costs incurred during the spring  
38 semester of the prior school year. The total amount of each grant awarded under the Program  
39 shall not exceed one hundred thousand dollars (\$100,000).

40 **SECTION 6.(e)** Reporting. – The Department shall provide a report by March 15,  
41 2022, to the Fiscal Research Division, the Joint Legislative Transportation Oversight Committee,  
42 and the Joint Legislative Education Oversight Committee on the administration of the Program,  
43 including (i) the number of charter schools that received grant funds, (ii) the amount of grant  
44 funds awarded to those charter schools, (iii) whether implementing the Program has led to an  
45 increase in charter schools offering lunch, (iv) whether implementing the Program has led to an  
46 increase in student lunch participation at charter schools offering lunch, (v) whether  
47 implementing the Program has increased or expanded the offering of student transportation by  
48 charter schools, and (vi) the modes of student transportation offered by charter schools that  
49 received grant funds.  
50



1           **SECTION 6.(f)** There is appropriated from the General Fund to the Department of  
2 Public Instruction the sum of two million five hundred thousand dollars (\$2,500,000) in  
3 nonrecurring funds for the 2021-2022 fiscal year to operate the Charter School Transportation  
4 Grant Pilot Program established pursuant to this section.

5           **SECTION 6.(g)** This section becomes effective July 1, 2021.  
6

7 **PART VII. ALL CHARTER SCHOOL TEACHERS MUST BE LICENSED BY THE**  
8 **STATE BOARD OF EDUCATION**

9           **SECTION 7.(a)** G.S. 115C-218.90(a)(1), as amended by Section 5(d) of this act,  
10 reads as rewritten:

11           "(1) An employee of a charter school is not an employee of the local school  
12 administrative unit in which the charter school is located. The charter school's  
13 board of directors shall employ and contract with necessary teachers or  
14 contract with a charter management organization to employ and provide  
15 teachers to perform the particular service for which they are employed in the  
16 school; ~~at least fifty percent (50%)~~ one hundred percent (100%) of these  
17 teachers shall hold teacher licenses. ~~All teachers who are teaching in the core~~  
18 ~~subject areas of mathematics, science, social studies, and language arts shall~~  
19 ~~be college graduates.~~

20           The board also may employ necessary employees who are not required to  
21 hold teacher licenses to perform duties other than teaching and may contract  
22 for other services. The board may discharge teachers and nonlicensed  
23 employees."

24           **SECTION 7.(b)** This section applies beginning with the 2021-2022 school year.  
25

26 **PART VIII. CHARTER SCHOOL OPENING AND CLOSING DATES**

27           **SECTION 8.(a)** G.S. 115C-218.85(a) reads as rewritten:

28           "(a) Instructional Program. –

29           (1) The school shall provide instruction each year for at least 185 days or 1,025  
30 hours over nine calendar months.

31           (1a) The school shall align its opening and closing dates for the school year with  
32 the opening and closing dates for the school year of the local school  
33 administrative unit in which the charter school is located.

34           (2) The school shall design its programs to at least meet the student performance  
35 standards adopted by the State Board of Education and the student  
36 performance standards contained in the charter.

37           (3) A charter school shall conduct the student assessments required by the State  
38 Board of Education.

39           (4) The school is subject to and shall comply with Article 9 of Chapter 115C of  
40 the General Statutes and The Individuals with Disabilities Education  
41 Improvements Act, 20 U.S.C. § 1400, et seq., (2004), as amended.

42           (5) A charter school shall provide financial literacy instruction as required by the  
43 State Board of Education pursuant to G.S. 115C-81.65, including required  
44 professional development for teachers of the EPF course."

45           **SECTION 8.(b)** This section applies beginning with the 2021-2022 school year.  
46

47 **PART IX. ANTI-BULLYING COMPLIANCE FOR CHARTER SCHOOLS**

48           **SECTION 9.(a)** G.S. 115C-218.75(c) reads as rewritten:

49           "(c) Policy Against Bullying. – A charter school ~~is encouraged to~~ shall adopt a policy  
50 against bullying or harassing behavior, including cyber bullying, that is consistent with the  
51 provisions of Article 29C of this Chapter. ~~If a charter school adopts a policy to prohibit bullying~~

1 ~~and harassing behavior, the~~ The charter school shall, at the beginning of each school year, provide  
2 the policy to staff, students, and parents as defined in G.S. 115C-390.1(b)(8)."

3 **SECTION 9.(b)** This section applies beginning with the 2021-2022 school year.  
4

## 5 **PART X. REVISE CHARTER SCHOOL APPLICATION REQUIREMENTS**

6 **SECTION 10.(a)** G.S. 115C-218.1 reads as rewritten:

7 "**§ 115C-218.1. Eligible applicants; contents of applications; submission of applications for**  
8 **approval.**

9 (a) Any nonprofit corporation seeking to establish a charter school may apply to establish  
10 a charter school. If the applicant seeks to convert a public school to a charter school, the  
11 application shall include a statement signed by a majority of the teachers and instructional support  
12 personnel currently employed at the school indicating that they favor the conversion and evidence  
13 that a significant number of parents of children enrolled in the school favor conversion.

14 (b) The application shall contain at least the following information:

15 (1) A description of ~~a program~~ the programs that implements one or more  
16 implement each of the purposes in G.S. 115C-218.G.S. 115C-218(a).

17 ...."

18 **SECTION 10.(b)** This section applies to applications for a new or renewed charter  
19 submitted on or after the date this act becomes law.  
20

## 21 **PART XI. ELIMINATE FAST-TRACK REPLICATION OF HIGH-QUALITY** 22 **CHARTER SCHOOLS**

23 **SECTION 11.(a)** G.S. 115C-218.3 is repealed.

24 **SECTION 11.(b)** This section applies to applications for a new charter school  
25 submitted on or after the effective date of this act.  
26

## 27 **PART XII. CHARTER SCHOOL TEACHING METHODS REPORT**

28 **SECTION 12.** G.S. 115C-218.110 reads as rewritten:

29 "**§ 115C-218.110. Notice of the charter school process; review of charter schools.**

30 (a) The State Board of Education shall distribute information announcing the availability  
31 of the charter school process described in this Article to each local school administrative unit and  
32 public postsecondary educational institution and, through press releases, to each major  
33 newspaper in the State.

34 (a1) No later than February 15 of each year, each charter school shall report to the State  
35 Board of Education on different and innovative teaching methods implemented by the charter  
36 school pursuant to G.S. 115C-218(a)(3).

37 (b) The State Board of Education shall review and evaluate the educational effectiveness  
38 of the charter schools authorized under this Article and the effect of charter schools on the public  
39 schools in the local school administrative unit in which the charter schools are located. The Board  
40 shall report annually no later than June 15 to the Joint Legislative Education Oversight  
41 Committee on the following:

42 (1) The current and projected impact of charter schools on the delivery of services  
43 by the public schools.

44 (2) Student academic progress in the charter schools as measured, where  
45 available, against the academic year immediately preceding the first academic  
46 year of the charter schools' operation.

47 (3) Best practices resulting from charter school operations, including  
48 an analysis of the different and innovative teaching methods implemented by  
49 charter schools and reported to the State Board pursuant to subsection (a1) of  
50 this section.

51 (4) Other information the State Board considers appropriate."

1  
2 **PART XIII. REVISE CHARTER SCHOOL ENROLLMENT GROWTH**  
3 **REQUIREMENTS**

4 **SECTION 13.** G.S. 115C-218.7(b) reads as rewritten:

5 ~~"(b) Enrollment growth of greater than twenty percent (20%)~~ Any enrollment growth  
6 beyond the enrollment amounts outlined in the charter shall be considered a material revision of  
7 the charter if the charter is currently identified as low performing. The State Board shall not  
8 approve a material revision for enrollment growth of greater than twenty percent (20%) for a  
9 charter that is currently identified as low performing. Enrollment growth of greater than thirty  
10 percent (30%) shall be considered a material revision of the charter for any charter school that is  
11 not identified as low performing. charter. The State Board may approve such additional  
12 enrollment growth of greater than ~~thirty-twenty percent (30%)-(20%)~~ only if it finds all of the  
13 following:

- 14 (1) The actual enrollment of the charter school is within ten percent (10%) of its  
15 maximum authorized enrollment.  
16 (2) The charter school has commitments for ninety percent (90%) of the requested  
17 maximum growth.  
18 (3) The charter school is not currently identified as low-performing.  
19 (4) The charter school meets generally accepted standards of fiscal management.  
20 (5) The charter school is, at the time of the request for the enrollment increase,  
21 substantially in compliance with State law, federal law, the charter school's  
22 own bylaws, and the provisions set forth in its charter granted by the State  
23 Board."  
24

25 **PART XIV. CHARTER SCHOOLS COMPLY WITH K-3 CLASS SIZE**  
26 **REQUIREMENTS**

27 **SECTION 14.** G.S. 115C-218.75 is amended by adding a new subsection to read:

28 "(i) Class Size. – A charter school that enrolls students in all or part of kindergarten  
29 through grade three shall comply with the class size requirements provided in G.S. 115C-301."  
30

31 **PART XV. REQUIRE MEMBERS OF THE BOARD OF DIRECTORS OF A CHARTER**  
32 **SCHOOL TO RESIDE WITHIN THE STATE**

33 **SECTION 15.** G.S. 115C-218.15(e) reads as rewritten:

34 ~~"(e) The~~ All members of the board of directors of the private nonprofit corporation  
35 operating the charter school ~~may have members who shall reside outside of within~~ the State.  
36 ~~However, the State Board of Education may require by policy that a majority of the board of~~  
37 ~~directors and all officers of the board of directors reside within the State."~~  
38

39 **PART XVI. EFFECTIVE DATE**

40 **SECTION 16.** Except as otherwise provided, this act is effective when it becomes  
41 law.